

**CENTRAL ADMINISTRATIVE TRIBUNAL  
CHANDIGARH BENCH**

...

**O.A. No.60/1390/2018**  
**M.A. No.60/1802/2018**

**Date of decision: 05.02.2019**

..

**CORAM: HON'BLE MR. SANJEEV KAUSHIK, MEMBER (J).**  
**HON'BLE MRS. P. GOPINATH, MEMBER (A).**

...

1. MES No.155173, Karnail Singh Jandu, aged 70 years s/o Late S. Karta Singh, Junior Engineer E/M (Retd.), Office of Garrison Engineer, Chandigarh R/O Flat No. 2674-C, MIG Super, Sector 70, Mohali (Punjab)-160071, Group 'C'.
2. MES 507507, Kartar Singh, Aged 68 years S/O S. Waryam Singh, Junior Engineer E/M (Retd.)O/O Chief Engineer, Pathankot Zone, Pathankot, R/O H. No. 109, Model Town, Opposite Govt. Primary School,Pathankot-145001, Group 'C'.
3. MES No. 507499, Inder Mohan Singh, Aged about 67 years, S/O Inderjit Singh, Junior Engineer E/M (Retd.)O/O Garrison Engineer (South), Udhampur R/O H. No. 511, New GTB Nagar, Jalandhar City-144003.
4. MES No. 507498, Satwinder Singh, Aged 69 years S/O S. Joginder Singh, Junior Engineer E/M (Retd.), O/O Garrison Engineer, New Amritsar Military Station, Amritsar R/O H. No. 66A, Inderjit Colony, Gokal Ka Bagh 100 FT Road, Amritsar-143001.

**... APPLICANTS**

**VERSUS**

1. Union of India, through the Secretary to Government of India, Ministry of Defence, South Block, New Delhi-110011.
2. Engineer-in-Chief, Army Headquarters, Kashmir House, Rajaji Marg, DHQ PO, New Delhi-110011.
3. Director General (Pers.) Army Headquarters, Kashmir House, Rajaji Marg, DHQ PO, New Delhi-110011.
4. Chief Engineer, Western Command, Chandimandir, Panchkula-134109.
5. Chief Engineer, Northern Command, Udhampur(J&K)-182101.
6. Principal Controller of Defence Accounts, Western Command, Sector 9, Chandigarh-160009.
7. Principal Controller of Defence Accounts, Northern Command, Udhampur(J&K)-182101.

**... RESPONDENTS**

**PRESENT:** Sh. R. K. Sharma, counsel for the applicants.  
Sh. Sanjay Goyal, counsel for the respondents.

**ORDER (Oral)**

**SANJEEV KAUSHIK, MEMBER (J):-**

1. M.A. No.60/1802/2018 has been filed under Rule 4(5)(a) of the C.A.T. (Procedure) Rules, 1987, seeking permission to allow the applicants to file joint petition. For the reasons stated therein, the same is allowed.
2. Though Sh. Sanjay Goyal, learned counsel for the respondents seeks time to file written statement, learned counsel for the applicants submitted that this Court has already disposed of similar matter vide order dated 21.01.2019 in the case of **Gurcharan Singh vs. U.O.I. etc.** (OA No.60/49/2019), with a direction to the respondents to reconsider claim of the applicant in the light of clarification dated 25.07.2018. He also submitted that the Bombay High Court in the case of **M. P. Joseph vs. UOI & Ors.** (W. P. No.1763 of 2013) decided on 15.10.2018, has also decided that the benefit is to be extended to all the similarly placed employees. Therefore, this O.A. may be disposed of in the same terms.
3. Accordingly, the O.A. stands disposed of in the terms of order dated 21.01.2019 in the case of Gurcharan Singh (surpa). Relevant paras read as under:-

“3. Learned counsel submitted that the applicant was granted 1st and 2nd financial upgradation under ACP Scheme in the pay scale of Rs.5500-9000 and Rs.6500-10500 respectively. He became entitled for 3rd financial upgradation, after completion of 30 years of service and was granted the benefit w.e.f. 01.09.2008. Learned counsel argued that the Hon’ble Apex Court in the case of Union of India & Others Vs. Balbir Singh Turn and Others, (2018) 11 SCC 99 has held that since the Central Govt. decided to implement the revised pay structure of payment and grade pay w.e.f. 01.01.2006, and since the MACP is part of pay structure, therefore, the same is applicable w.e.f. 01.01.2006. The Govt. of India, Ministry of Defence, itself issued a communication, following the mandate given by the Hon’ble Apex Court in the case of Balbir Singh Turn

(supra), and amended para 5 of the policy whereby the earlier date of implementation of the scheme we.f.01.09.2008 has been changed to 01.01.2006. He argued that despite there being a clear stipulation in the notification, the respondents have rejected his claim by passing a non-speaking order (Annexure A-1), therefore, the same is liable to be set aside.

4. Xxx
5. Xxx
6. Considering that the impugned order does not contain any reason as to why the respondents have not followed the decision taken by the Govt. of India regarding implementation of the MACP Scheme w.e.f. 01.01.2006 instead of 01.09.2008, we quash the impugned order dated 01.03.2018 (Annexure A-1). The matter is remitted back to the respondents to reconsider it in the light of clarification dated 25.07.2018 (Annexure A-4) and ratio laid down in the case of Balbir Singh Turn (supra), by passing a reasoned and speaking order within a period of six weeks from the date of receipt of a copy of this order. No costs."

**(P. GOPINATH)**  
**MEMBER (A)**

**(SANJEEV KAUSHIK)**  
**MEMBER (J)**

Date: 05.02.2019.  
Place: Chandigarh.

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